MONTANA LEGISLATIVE HISTORY

Chapter 208 1999

Bill H 632 S _____ Original bill & history ✓ C

H. Committee on State Admin			S. Committee on State Admin		
Hearing Date(s)	2/17	C	Hearing Date(s)	3/04	C
	2/18	C		3/19	C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

4/20 Chapter Number Assigned
Chapter Number 340
Effective Date: 10/01/1999 - All Sections

HB 631 Introduced by Rehbein *LC1620 Drafter: Bohyer*

Provide for the Establishment of the Montana Resident Student Vocational-Technical Training Scholarship Program;...

1/14	Fiscal Note Needed		
2/16	Introduced and 1st Reading		
2/16	Referred to Appropriations		
2/16	Fiscal Note Requested		
2/22	Fiscal Note Received		
2/22	Fiscal Note Signed		
2/22	Fiscal Note Printed		
3/08	Hearing		
3/08	Tabled in Committee		
3/26	Missed Deadline for Appropriation Bill Transmittal		

HB 632 Introduced by Bitney, et al. *LC1650 Drafter: Heffelfinger*

Revise Election Laws Relating to the Implementation of the National Voter Registration Act;...

2/16	Introduced and 1st Reading		
2/16	Referred to State Administration		
2/17	Hearing		
2/18	Committee Executive Action--Bill Passed as Amended	12	5
2/18	Committee Report--Bill Passed as Amended		
2/22	2nd Reading Passed	55	44
2/23	3rd Reading Passed	60	40
	Transmitted to Senate		
2/23	Referred to State Administration		
3/04	Hearing		
3/19	Committee Executive Action--Bill Concurred	4	0
3/20	Committee Report--Bill Concurred		
3/23	2nd Reading Concurred	48	0
3/24	3rd Reading Concurred	49	0
	Returned to House		
3/25	Sent to Enrolling		
3/25	Returned from Enrolling		
3/27	Signed by Speaker		
3/27	Signed by President		
3/29	Transmitted to Governor		
3/30	Signed by Governor		
3/31	Chapter Number Assigned		
	Chapter Number 208		
	Effective Date: 3/30/1999 - All Sections		

HB 633 Introduced by Bitney, et al. *LC1442 Drafter: Mitchell*

Prohibit the State Department of Fish, Wildlife, and Parks from Issuing an Approval or Permit to the U.S. Forest Service for a Project That Includes the Obliteration of an Existing Forest System Road until Procedures for the Issuance Have Been Reviewed;...

HOUSE BILL NO. 632

INTRODUCED BY Slite Bitney
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTION LAWS RELATING TO THE IMPLEMENTATION OF THE NATIONAL VOTER REGISTRATION ACT; AMENDING SECTIONS 13-1-101, 13-2-222, 13-2-402, AND 13-27-410, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-101, MCA, is amended to read:

"**13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means a qualified elector whose name is on the active list.

(2) "Active list" means a list of active electors maintained by an election administrator pursuant to 13-2-219.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a completed voter registration card submitted to the election administrator and subject to confirmation, as provided in 13-2-207.

(5) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of ~~chapters~~ chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(6) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residence for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, as long as the organization is not a primary political committee; or

(iv) filing fees paid by the candidate.

(7) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(8) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

(9) "Elector" means an individual qualified and registered to vote under state law.

(10) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (6);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities

of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, as long as the organization is not a primary political committee.

(11) "Federal election" means a general or primary election in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(12) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(13) "Inactive elector" means ~~a qualified elector~~ an individual who is placed on an inactive list.

(14) "Inactive list" means a list of inactive electors maintained by an election administrator pursuant to 13-2-219.

(15) "Individual" means a human being.

(16) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35, 36, or 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes an "issue" upon approval by the secretary of state of the form of the petition or referral.

(17) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (5).

(18) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(19) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

(20) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

(21) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(22) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(23) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(24) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Section 2. Section 13-2-222, MCA, is amended to read:

"**13-2-222. Reactivation of elector.** (1) The name of an elector must be moved by an election administrator from the inactive list to the active list of a county if an elector meets the requirements for registration provided in this chapter and:

(a) appears in order to vote in a federal election; ~~or~~

(b) notifies the county election administrator in writing of the elector's current residence, which must be in that county; or

(c) completes a reactivation form provided by the county election administrator that provides

current address information in that county.

(2) After an elector has complied with ~~either~~ subsection (1)(a) ~~or~~, (1)(b), or (1)(c), the county election administrator shall place the elector's name on the active voting list for that county.

(3) To be effective for a nonfederal election, a reactivation of an elector must be accomplished no later than 30 days before the election."

Section 3. Section 13-2-402, MCA, is amended to read:

"**13-2-402. Reasons for cancellation.** The election administrator shall cancel the registration of an elector:

(1) at the written request of the registered elector;

(2) if a certificate of the death of the elector is filed or if the elector is reported as deceased by the department of public health and human services in the department's reports submitted to the county under 72-16-217;

(3) if the elector is of unsound mind as established by a court;

(4) if the incarceration of the elector in a penal institution for a felony conviction is legally established;

(5) if a certified copy of a court order directing the cancellation is filed with the election administrator;

(6) if the elector is successfully challenged and not allowed to vote at an election upon determination of an election judge;

(7) if a notice is received from another county or state that the elector has registered in that county or state; or

(8) if the elector fails to respond to certain confirmation mailings and fails to vote in two subsequent federal general elections."

Section 4. Section 13-27-410, MCA, is amended to read:

"**13-27-410. Printing and distribution of voter information pamphlet.** (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 110 days before the election at which they will be submitted. The requisition must include a delivery list providing for shipment

of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to each voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 45 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county who is on the active voter list, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing must take place no later than 2 weeks before the election.

(5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues."

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MATT BRAINARD**, on February 17, 1999 at 7:30 A.M., in Room 420 Capitol.

ROLL CALL

Members Present:

Rep. Matt Brainard, Chairman (R)
Rep. Toni Hagener, Vice Chairman (D)
Rep. Allan Walters, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Joan Andersen (R)
Rep. Edith Clark (R)
Rep. Tom Dell (D)
Rep. George Golie (D)
Rep. Donald L. Hedges (R)
Rep. Monica Lindeen (D)
Rep. Jeff Mangan (D)
Rep. Douglas Mood (R)
Rep. Brennan Ryan (D)
Rep. Frank Smith (D)
Rep. Bill Tash (R)
Rep. Bill Thomas (R)
Rep. Doug Wagner (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Karen Mills, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s): 613, 616, 585, 625, 597, 632, 634, 620, 623

HEARING ON 597

Opening Statement by Sponsor: REP. JAY STOVALL
EXHIBIT(2)EXHIBIT(3) EXHIBIT(4)

Proponents' Testimony:

BETH EMTER, Mt. Stockgrower's Assoc.
EXHIBIT(5)EXHIBIT(6)EXHIBIT(7)EXHIBIT(8)
{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 2.2}

JIM PETERSON, Exec. V.P. Mt. Stockgrower's Assoc.
{Tape : 3; Side : A; Approx. Time Counter : 4.9 - 9.7}

Opponents' Testimony:

REP. CAROL JUNEAU
{Tape : 3; Side : A; Approx. Time Counter : 10.1 - 13.1}

GEORGE OCHENSKI, State Parks Foundation Action Fund
{Tape : 3; Side : A; Approx. Time Counter : 13.1 - 15.6}

WYMAN MCDONALD, State Chairman Governor's Office of Indian Affairs
{Tape : 3; Side : A; Approx. Time Counter : 15.7 - 20.9}

Questions from Committee Members and Responses:
{Tape : 3; Side : A; Approx. Time Counter : 21.2 - 23.6}

Closing by Sponsor: REP. JAY STOVALL
{Tape : 3; Side : A; Approx. Time Counter : 23.7 - 26.2}

HEARING ON 632

Opening Statement by Sponsor: REP. ROD BITNEY
{Tape : 3; Side : A; Approx. Time Counter : 27.3 - 30.1}

Proponents' Testimony:

ROBERT THROSSEL, Mt. Assoc. of Clerks and Recorders
{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 0.3}

Opponents' Testimony:

JOE KERWIN, Dept. Sec. of State

{Tape : 3; Side : B; Approx. Time Counter : 0.3 - 5.5}

CRAIG SWEET, Mont. PERG
{Tape : 3; Side : B; Approx. Time Counter : 7.7 - 9.9}

Questions from Committee Members and Responses:
{Tape : 3; Side : B; Approx. Time Counter : 10.3 - 17.5}

Closing by Sponsor: **REP. ROD BITNEY**
{Tape : 3; Side : B; Approx. Time Counter : 17.6 - 18.7}

EXECUTIVE ACTION ON HJR 31

Motion: **REP. HAGENER moved DO PASS on HJR 31**

Vote: The motion carried 17-0; unanimous.

HEARING ON 634

Opening Statement by Sponsor: **REP. RON ERICSON**
{Tape : 3; Side : B; Approx. Time Counter : 21.2 - 25.3}

Proponents' Testimony:

DENNIS TAYLOR, City Manager of Helena
{Tape : 3; Side : B; Approx. Time Counter : 25.4 - 29.3}

PAT CLINCH, Rep. of Mt. Firefighters EXHIBIT(9)
{Tape : 4; Side : A; Approx. Time Counter : 0.3 - 1.9}

BILL BAYLESS, Dept. of Admin. Supervisor
{Tape : 4; Side : A; Approx. Time Counter : 1.9 - 3.9}

Questions from Committee Members and Responses:
{Tape : 4; Side : A; Approx. Time Counter : 4.1 - 10.1}

Closing by Sponsor: **REP. RON ERICSON**
{Tape : 4; Side : A; Approx. Time Counter : 10.2 - 11.8}

HEARING ON 620

Opening Statement by Sponsor: **REP. CARLEY TUSS**
{Tape : 4; Side : A; Approx. Time Counter : 12.1 - 15.8}

HOUSE OF REPRESENTATIVE
ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE Feb. 17

	NAME	PRESENT	ABSENT	EXCUSED
Rep	Allan Walters	✓		
Rep	Don Hedges	✓		
Rep	Frank Smith	✓		
Rep	Darrel Adams	✓		
Rep	Joan Andersen	✓		
Rep	Tom Dell	✓		
Rep	Bill Tash	✓		
Rep	Jeff Mangan	✓		
Rep	Doug Mood	✓		
Rep	Brennan Ryan	✓		
Rep	George Golie	✓		
Rep	Doug Wagner	✓		
Rep	Edith Clark	✓		
Rep	Monica Lindeen	✓		
Rep	Bill Thomas	✓		
Rep	Toni Hagener	✓		
Rep	Matt Brainard	✓		
	Sheri Heffelfinger			

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

DATE Feb. 17, 1999

BILL NO. 632 SPONSOR(S) Bitney

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE CIRCLE	NAME	ADDRESS	REPRESENTING
P O I	Robert Throssell	38 S. Last Chance Helena	MT ASSN Clerks & Recorders
P O I	Jim Kerwin	Helena	SOS
P O I			
P O I			
P O I			
P O I			
P O I			
P O I			
P O I			
P O I			
P O I			
P O I			
P O I			
P O I			
P O I			

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MATT BRAINARD**, on February 18, 1999 at 7:30 A.M., in Room 420 Capitol.

ROLL CALL

Members Present:

Rep. Matt Brainard, Chairman (R)
Rep. Toni Hagener, Vice Chairman (D)
Rep. Allan Walters, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Joan Andersen (R)
Rep. Edith Clark (R)
Rep. Tom Dell (D)
Rep. George Golie (D)
Rep. Donald L. Hedges (R)
Rep. Monica Lindeen (D)
Rep. Jeff Mangan (D)
Rep. Douglas Mood (R)
Rep. Brennan Ryan (D)
Rep. Frank Smith (D)
Rep. Bill Tash (R)
Rep. Bill Thomas (R)
Rep. Doug Wagner (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Karen Mills, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Date(s) Posted:	2/19/99, 2/16/99, 2/4/99, 2/1/99, 3/9/99, 2/13/99, 2/12/99
Executive Action:	625, 632, 494, 468, 634, 623, 613,

EXECUTIVE ACTION ON 625

Motion: **REP. WALTERS moved DO PASS on HB 625**
{Tape : 1; Side : A; Approx. Time Counter : 0.6 - 1.0}

Discussion:
{Tape : 1; Side : A; Approx. Time Counter : 1 - 29}

Vote: Motion carried 10-7; REPS. SMITH, DELL, MANGAN, RYAN, GOLIE, LINDEEN AND HAGENER VOTING NO.
{Tape : 1; Side : A; Approx. Time Counter : 29.5 - 30}

EXECUTIVE ACTION ON 632

Motion: **REP. TASH moved DO PASS on HB 632.**
{Tape : 1; Side : B; Approx. Time Counter : 0.3 - 0.9}

Discussion:
{Tape : 1; Side : B; Approx. Time Counter : 1 - 10.5}

Motion/Vote: **REP. TASH moved HB 632 be AMENDED**; striking who and replacing with name on Line 15, Pg. 3. Motion carried unanimously.
{Tape : 1; Side : B; Approx. Time Counter : 10.5 - 11}

Motion: **REP. TASH moved HB 632 DO PASS as amended**
{Tape : 1; Side : B; Approx. Time Counter : 11 - 11.5}

Discussion:
{Tape : 1; Side : B; Approx. Time Counter : 11.5 - 14.4}

Vote: The motion carried 12-5; REPS. SMITH, MANGAN, RYAN, GOLIE AND LINDEEN VOTING NO.
{Tape : 1; Side : B; Approx. Time Counter : 14.4 - 16.6}

EXECUTIVE ACTION ON 494

Motion: **REP. HAGENER moved HB 494 DO PASS.**
{Tape : 1; Side : B; Approx. Time Counter : 16.6 - 17}

Discussion:
{Tape : 1; Side : B; Approx. Time Counter : 17 - 19.2}

HOUSE OF REPRESENTATIVE
ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE Feb. 18

	NAME	PRESENT	ABSENT	EXCUSED
Rep	Allan Walters	✓		
Rep	Don Hedges	✓		
Rep	Frank Smith	✓		
Rep	Darrel Adams	✓		
Rep	Joan Andersen	✓		
Rep	Tom Dell	✓		
Rep	Bill Tash	✓		
Rep	Jeff Mangan	✓		
Rep	Doug Mood	✓		
Rep	Brennan Ryan	✓		
Rep	George Golie	✓		
Rep	Doug Wagner	✓		
Rep	Edith Clark	✓		
Rep	Monica Lindeen	✓		
Rep	Bill Thomas	✓		
Rep	Toni Hagener	✓		
Rep	Matt Brainard	✓		
	Sheri Heffelfinger	✓		

HOUSE STANDING COMMITTEE REPORT

February 18, 1999

Mr. Speaker:

We, your committee on **State Administration** report that **House Bill 632** (first reading copy -- white) **do pass as amended.**

Signed: Brainard
Representative Matt Brainard, Chair

And, that such amendments read:

1. Page 3, line 15.
Strike: "who"
Insert: "whose name"

- END -

Committee Vote:
Yes 12, No 5.

401420SC.ham

2:35
2-18

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

STATE ADMINISTRATIOM COMMITTEE

DATE Feb. 18 BILL NO. 632 NUMBER

MOTION: Do Pass as Amended

12 — 5

NAME	AYE	NO
Rep Allan Walters	—	
Rep Don Hedges	—	
Rep Frank Smith		—
Rep Darrel Adams	—	
Rep Joan Andersen	—	
Rep Tom Dell	—	
Rep Bill Tash	—	
Rep Jeff Mangan		—
Rep Doug Mood	—	
Rep Brennan Ryan		—
Rep George Golie		—
Rep Doug Wagner	—	
Rep Edith Clark	—	
Rep Monica Lindeen		—
Rep Bill Thomas	—	
Rep Toni Hagener	—	
Rep Matt Brainard	—	
Sheri Heffelfinger		

Amendments to House Bill No. 632
1st Reading Copy

For the House State Administration Committee

Prepared by Sheri Heffelfinger
February 18, 1999

1. Page 3, line 15.
Strike: "who"
Insert: "whose name"

- END -

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MACK COLE**, on March 4, 1999 at 10:00 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:
Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jack Wells (R)
Sen. Bill Wilson (D)

Members Excused: Sen. Jon Tester (D)

Members Absent: None.

Staff Present: Keri Burkhardt, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 502,, 2/22/1999; HB 632, 2/23/1999
Executive Action: HB 502

HEARING ON HB 502

Sponsor: **REP. KARL OHS, HD 33, HARRISON**

Proponents: None

Opponents: None

Information: **Joe Kerwin, Deputy of Elections, Secretary of State**

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 11 - 21}

rules. **Joe Kerwin** stated we don't anticipate retyping it for them. They could provide it to us electronically and we could reprint that out. They provide a camera ready format so it is anticipated they would give us the page just as it would go into the pamphlet. We wouldn't do any changes to that.

SEN. HARGROVE asked, do they occasionally carry pictures, clippings, and other material now, things other than written material. **Joe Kerwin** directed attention to exhibit one, the voter pamphlet, containing photographs as well as newspaper clippings.

SEN. COLE asked for further clarification on the person carrying the bill in the House and in the Senate. **SEN. OHS** explained this is for referendums so the one who carried that in the Senate and the one who carried it in the House would be on the committee as proponents. The process would remain the same for the opponents because it was so difficult to try to change the opponents.

Closing by Sponsor:

REP. OHS pointed out a page in exhibit one. You can see how difficult that is to read and how this thing could get out of hand with political ads. I think the intent of the information packet is for information, not a bunch of other things. I think this bill will do that without burdening the Secretary of State's Office. I hope you give this a Do Concur.

{Tape : 1; Side : A; Approx. Time Counter : 21 - 30}

HEARING ON HB 632

Sponsor: **REP. ROD BITNEY, HD 77, KALISPELL**

Proponents: **Duane Winslow, Election Administrator, Yellowstone County**
Sue Haverfield, Election Administrator, Flathead County
Mike Fellows, Montana Libertarian Party

Opponents: **Joe Kerwin, Deputy of Elections, Secretary of State**
Craig Sweet, Legislative Director, Montana Public Interest Research Group (MontPIRG)
Debbie Smith, Montana Common Cause

Opening Statement by Sponsor:

REP. ROD BITNEY, HD 77, KALISPELL, this bill deals with updating the National Voter Registration Act. It helps coordinate it with Montana statute. Page 1, Line 23, notes the different chapter numbers. Page 3, Line 5, we have inserted "for primary". Page 3, Line 15, gives a more precise definition of qualified elector. Page 4, Line 29, says "in writing". Page Five, Line 25, talks about general elections, to clarify the understanding of a person's right to vote as it currently stands under the National Voter Registration Act(NVRA). The NVRA and the changes to Montana's Election Law only apply to elections in which a federal office is on the ballot. This federal office would appear once every two years on elections in even years, both the primary and the general election, when there is a race for President, Senator, and Congressman. A person who voted in the last even year election would be on the active list and entitled to vote. A person who missed the last even year general election would have their name placed on the inactive list. A person whose name is on the inactive list could appear at the voting site and vote in the next even year primary and general election in which the federal office appears on the ballot. When they appear at the polling place and identify themselves, their registration would be reactivated on the spot, and they would be entitled to vote. Once they have reactivated, their name would be placed on the active list until which time they fail to vote in an even year general election.

The provisions of NVRA apply to all elections in which a federal office appears on the ballot. This covers even year elections but does not apply to municipal elections and school elections, unless those elections take place with the even year primary and general election. Municipal elections are generally held in odd number years and school elections are currently held separately in April. Most elections for county office take place with the even year primary and general election; therefore, it would be covered by NVRA. If the county submits an issue to the voters in conjunction with the school elections, NVRA would not apply. If a person's name is placed on the inactive list, it remains there until they have missed voting in two consecutive general elections. Since Montana adopted NVRA, the first general election is applied to the November 1998 general election. If a person did not vote in this election, their name would be placed on the inactive list.

To remove their name from the inactive list, the election administrator, in most cases this is the Clerk and Recorder, must first mail the person notice of their first opportunity to reactivate. The person must fail to respond to the notice. Further the person must not vote in the year in the next general election. Only after these opportunities to reactivate will their name be purged from the inactive list. Part of the problem

with local municipalities is there are a lot of administration costs involved and in some cases, particularly in smaller communities, their inactive lists are nearly as large as the active lists. This helps in estimating the number of ballots that need to be printed. If a person missed a presidential election, his name is purged from the voting list. The only way the person can vote is to register thirty days before the next election they wish to vote in. The NVRA implemented the inactive list, which allows a person two chances to vote in a federal election and gives them two mail notices of a chance to reactivate. Over a four year period of time they would have two opportunities in which to do this, but this only applies to federal offices.

The Clerks and Recorders requested **HB 632** to eliminate any question as to whether a person whose name appears on the inactive list could vote in municipal and school elections, which normally are not conducted with federal elections. The Secretary of State's office interpreted the NVRA, passed by the 97th Legislature, to mean people on the inactive list could vote in municipal and school elections and sign petitions for various items to be placed on the ballot. Not all Election Administrators interpreted the law in this fashion, which means if they had missed the previous requirements, they would still have to register or reactivate for a local election if they failed to be registered in the previous federal election. The election administrators carry out the directions the legislature has given them on how the elections are to be conducted. This bill is written to clarify what the election administrators believe was the legislature's intent in 1997, which was to comply with NVRA but keep in place the policy of purging voters for the purposes of local elections, unless they participated in the last presidential election. If there are any technical questions, there are a couple of Clerks and Recorders here.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 30 - 43}

Duane Winslow, Election Administrator, Yellowstone County, said two years ago when we brought forth the National Voter Registration Act legislation, the Federal Government was putting pressure to conform with the National Voter Registration Act of 1993. We had, in a number of ways, conformed with that. One of the last things to change was the system of purging our voters after the presidential election. In order to conform with what the Federal Government was asking of us, we came up with legislation. We felt the intent for Federal Government was we would conform with the federal requirements concerning the inactive voters, letting the inactive voter vote on the elections

the Federal Government was involved in. On the local elections, school elections and municipal elections, we would continue to operate as we had in years past.

Currently, with local elections, we have a thirty day close of registration. We interpret the legislation to mean that local elections would still have a thirty day close of registration for inactive voters as well as people who were not registered. This allows us to complete our poll books and registers and prepare for the election because we know the number of people who will be voting. The Secretary of State's office interpreted it to mean the inactive voter was not tied to that thirty day close of registration. We are asking the legislature to give us direction. This bill is basically asking for the thirty day close of registration for inactive voters. It is also clarifying the petition process, voting process, and what the intent was two years ago for the inactive voter.

Sue Haverfield, Election Administrator, Flathead County, stated, I concur with what Duane Winslow has already said. This is basically a cleanup bill. It clarifies a couple of points where the Secretary of State's office and the Clerk and Recorders have been debating. We would like to get something into statute to clarify that. We appreciate your support.

Mike Fellows, Montana Libertarian Party, said, I agree we need to clean up the language. In the last election, with the voting list I have, there are numerous inaccuracies with addresses in terms of what we see in California concerning fraud and people coming in on election day who are inactive. We need to find a better way to deal with that.

Opponents' Testimony:

Joe Kerwin, Deputy of Elections, Secretary of State, stated we oppose this bill in this form, but we want to thank the sponsor for bringing it forward as it is important to address these questions. When the NVRA bill was passed last session, we all thought we agreed in what it meant. However, we look back on the wording and realize it was not very clear. It wasn't clear on how you handle inactive voters. It was clear on how you handle federal elections; they could reactivate at the polls. For other elections it did not specify when the reactivation had to occur. We interpreted it to mean the thirty day close of registration just deals with registration. These people have already registered and have never been canceled and will not be canceled until they finish the whole process, so the thirty day time period did not apply. We had to try to figure out what would be the best way to implement this.

This bill is good in that it sets the policy decision back with the legislature and lets you clarify and give us direction. We welcome that and think it is good to have that direction in terms of when they should be reactivated. Secretary of State Mike Cooney's personal preference would be that the policy decision should be to allow people to reactivate on election day for any of these elections. These people have registered to vote. They may have been placed on the inactive list for failure to vote and not responding to confirmation notices, but they have not been purged. Current law prohibits people on the inactive list who have moved away from going to their old county to vote or reactivate. If they have moved within a particular county they can reactivate. The bill says you would only mail the voter registration pamphlet to active voters.

On Page 3, Line 15, the bill changes the definition of inactive elector, striking the words "qualified elector" to say "individual". We think the intent of the Clerks is to have only active voters able to sign petitions. Under 13-17-102, a person who is eligible to sign a state petition needs to be a qualified elector. There is no definition of a qualified elector. There is a definition of an elector, which is a person who is qualified and registered. The inactive voters would still be registered but they would not be qualified to vote in the election until they have reactivated. We interpret this change to mean if you are an inactive voter, not only would you not get a voter information pamphlet but you would not be able to sign a petition until you have reactivated. Reactivation is just filling out a new card or confirming your residence address.

Under this bill, for municipal elections you would have to reactivate, if you are on the inactive list, thirty days prior to the election. For federal elections you could still reactivate on election day or anytime within that thirty day period. We don't see any technical problems with the bill. We just have a philosophical difference.

Craig Sweet, Legislative Director, Montana Public Interest Research Group (MontPIRG), said, I served some time in the Local Government, so I can appreciate the time, effort, and cost that goes into preparing an election and the work that our election officials do. On the other hand, I can also understand the frustration a voter would feel when they arrive at the polling point and find out they have been disenfranchised because they were put on the inactive list for not voting in the previous federal election. The election officials are asking that these people must reactivate thirty days prior to an election. We are talking about people who are already registered to vote and we are treating them like people who are not registered to vote.

They are going to be tied to this voter registration deadline, which is thirty days.

On the odd election years the stoic turnout won't change very much. In a presidential election we have a pretty high turnout in the state of Montana, but in an election that is not a federal election, where we are not electing Congress people or president, our turnout is pretty consistent and pretty low. How many people would show up at the polls, in an odd election year, that this would effect? If it is not very many it won't be a big problem for these people to do this. They already reactivate people on the same day for federal elections. If there are only a few people or no people this affects, then how difficult is it to bring over the entire voter records for those people that are active and inactive? If this is affecting a great deal of people and its going to be a lot of work, and an abundance of people are showing up at the polls only to find that they have been put on the inactive list, there is definitely a problem. We need to change it and make it a same day reactivation because we are disenfranchising a lot of people. I think it's only a handful of people we are talking about and I fail to see where this is going to be a great deal of work for election officials to handle the people who want to vote and are on the inactive list.

There was a bill that would have allowed same-day reactivation and it died in the House. There is another bill that would clean up the voter registration card and remove all the information about being purged if you don't vote in the Federal Election. We feel a same-day reactivation bill is needed, just like we have in Federal law. Unfortunately this bill doesn't do that but I think there is a structure here, through some careful amending, that we can make work by making this a same-day reactivation bill. That is what I urge you to do.

{Tape : 1; Side : A; Approx. Time Counter : 43 - 51}

Debbie Smith, Montana Common Cause, stated we oppose **HB 632.** I agree with the comments made by **Mr. Kerwin** and **Mr. Sweet.** If you pass this bill and codify this as a policy of the State of Montana you will, in effect, be making it more difficult for the citizens of this state to vote in local elections than for them to vote in federal elections. In other words, there is same-day reactivation in federal elections and in this current policy dispute the Secretary of State says they think last session's law required same-day reactivation in all state elections, while the Clerks are saying no. They would like clarification from the legislature. We believe that the legislature should clarify this so the law is the same for federal and local elections. We also believe, because these voters are already registered, they should be allowed to reactivate when they vote at local, state, and

federal elections. We urge you to vote against passing this bill.

Questions from Committee Members and Responses:

SEN. WELLS asked what was the rationale behind the 30 day establishment? **REP. BITNEY** explained the 30 days is in statute in most states throughout the United States. It gives the election officials, which in most counties are the Clerks and Recorders, ample time for administrative and logistical concerns. There are a number of things they have to do in preparing for an election. They have to get a number of voting machines, train and schedule election judges, determine the number of ballots to print, and have accurate statistical information on the voter pamphlet guides. This is also important in cutting down on voter fraud. For example, people move around quite a bit and this allows the administrators to contact the previous jurisdictions or counties where the voter was previously registered. They can then update those voter rolls. It allows for absentee ballot preparation. They also need to allow time for technical questions from people who call in to the election department to find out which precinct they vote in, or to get voter guides, or other related voter information. Thirty days is probably a reasonable period to process this activity.

SEN. WELLS asked, can you give me some idea of how many reactivations you would expect to see, supposing they could come in and reactivate on election day for local elections? What experience have you had in the past to explain the workload? **Sue Haverfield** replied, we have not seen a great deal of activity. At this point I would not be able to quote numbers. Also, on an election day, when someone appears to vote, they sign a register and the election judges are required to check your address at that time. We are also getting updates on addresses when we get transfer cards since people were in the wrong precinct because they have moved. We allow them to vote in the old precinct this time and then we transfer afterwards. I believe Flathead county, in the last general election, processed about eight hundred and fifty transfer and reactivation cards from people who showed up at the polls. Part of the question of reactivating at a local or school election is, in most cases, we are not the election administrator for the schools. Some of us do school elections and some counties don't participate in school elections at all. In counties where the election administrator does not participate, the school clerks are the election administrators for the school elections. We get questions from the school clerks about whether an elector is eligible to sign a petition for someone running for school board or is an inactive elector able to cast a ballot in a school election. This brought up quite a bit of discussion when we were working on the NVRA bill

because of the percentages you have to come up with on a school bond election. Our understanding of the intent of the legislature at that time was to keep those local rolls clean. I am getting ready to mail about 15,000 notices to inactive electors. If all of those people are considered when we try to do a school bond, its never going to pass because you have to have a percentage of the elective to pass one of those issues. Our position on this was to keep those local rolls clean, which we basically did with the purge process every four years and we are not able to do that at this time so we just move them to the inactive list. As far as the impact, we don't know exactly what it would be.

{Tape : 1; Side : B; Approx. Time Counter : 51 - 67}

SEN. WELLS stated in the last presidential election, there were some allegations and I think some actual evidence in other states of voter fraud. There were some cases I read about where they found the same name of a few voters appearing in about forty-five different precincts and voting. In your opposition you comment about the fact that thirty days limits the opportunity for people to vote. Do you have any concern about voter fraud? **Mr. Kerwin** explained we are very concerned about voter fraud. There have been some other cases in other states where there have been allegations of voter fraud and I think some of them have been legally pursued. We don't want to see that happen in Montana and we have been lucky so far that it has not occurred. We think the inactive voters would still have to register prior to this. It is different than same day registration, where those concerns can be heightened with voter fraud. When you are talking about same day registration, which is different than same day reactivation, a person can show up at the polls, say they reside in that precinct, are allowed to register to vote, and are given a ballot. With reactivation it is different because they are currently on the rolls, so if there are concerns of a person being registered in a number of different counties or precincts within a county, a person can challenge that voter, under Montana statute, on whether they are active or inactive. We think there are safeguards currently in place to protect against that. We are still watching this and if we see there are occurrences of fraud, we are obviously very concerned to work with you to address those.

SEN. HARGROVE said there was a lot of concern in 1995 that the Voter Registration Act would bring fraud about. Has there been any fraud cases as a result of the Voter Registration Act? **Robert Throssell, Montana Association of Clerks and Recorders,** stated, I don't know of any cases where someone has been caught.

SEN. HARGROVE asked if you reactivate for a local election and then did not vote in the next federal election, would you still be on the roles for the next local election? **Mr. Throssell** replied, my understanding is if you moved to the inactive list because you missed federal election in November and you reactivated in time for the local election in April, you would be back on the active list.

SEN. HARGROVE asked, if you missed the November election, you would be off again? **Mr. Throssell** said, that is my understanding.

SEN. HARGROVE asked even for a local election? **Mr. Throssell** said, yes. You would have to miss an election in which a federal office is contested in an even year election.

SEN. HARGROVE said a statement was implied that under this proposed legislation, it would be harder to vote in a local election than a federal election. I would like you to comment on that. Also, what is the relationship in the number of voters now between a strictly local election and a federal election? **Mr. Throssell** stated, my understanding is for school district and municipal elections, the turnout would be in the twenty percent range as opposed to the fifty or sixty percent range in even year election. That would vary by district. As far as the participation question and the reason this bill came up when we were before this committee and before the House in 1995 and 1997 dealing with NVRA, was that we understood that while we need to implement and comply with the federal law, we were also trying to preserve what was existing in Montana law. This bill is clarifying that if you go on that inactive list, you cannot participate in school and local elections, which was what was in affect prior to NVRA. If you missed the presidential general election in November of 1998, your name would be dropped.

SEN. HARGROVE said nobody has mentioned the possibility that people could be confused under this legislation, by virtue of having two different systems. What is your opinion on that? **Mr. Throssell** stated, I think it could be confusing and NVRA interjected that into the existing system we had. Certainly the election administrator's position in presenting this bill was that this is what they understood, in the discussions of 1995 and 1997, to be the direction the legislature wanted to go to try to preserve what was in place for Montana elections, while complying with NVRA. It is a policy decision on who participates and how they participate. But this bill came out of the two years of experience the election administrators had implementing it and seeing the problems. Now they are back asking for that direction.

SEN. HARGROVE asked, do you see any cost associated with this? **Mr. Throssell** replied, I think there would be a reduction in costs because that inactive list in a school election would have to be provided to the school clerk who is the election administrator. There would be copying and the expense of having the inactive list at the many polling places a particular school district has for their election. I think this would be a reduction by not having the inactive list there.

SEN. HARGROVE asked, do the Clerks and Recorders take a position for or against this bill. **Mr. Throssell** stated we are just looking for clear direction. What is in this bill is what we think came out of those 1995 and 1997 discussions. If we are wrong we can write the bill the other way; we would just like some direction.

SEN. WILSON said a federal election is when an elector may vote for a president or a United States Congressman. How does it currently work if I miss one of those? When am I ineligible and have to reactivate for the federal election that happens every two years? **Mr. Kerwin** explained, currently if you are on an inactive list, you can reactivate for the June 2000 on election day itself. You are activated automatically and can vote the entire ballot. If you go to vote in the April 2000 election, the school election, currently under our interpretation you would have to reactivate the day before the election. Under this bill you would have to reactivate thirty days prior to the election date. You could reactivate after that thirty day period but you would not be able to vote in that school election, just like you could register after that thirty day period. Under this bill you would have to reactivate for that school election in 2000 thirty days prior, or for the municipal elections coming up in 1999 in September or November, thirty days prior. Under current law we interpret it for the day before but not the day of the election. If you miss an election, you reactivate and move back to the active list thirty days prior to the city election. If you then miss the 2000 election, you would not automatically be placed on the inactive list. You would have to be sent a confirmation mailing first. If you didn't respond, you would be placed on the inactive list. Currently, before you were to be put on the inactive list, you would be mailed to notify you of that. In 1996, you are automatically placed on the inactive list if you miss that presidential election, but that was a one time deal. Currently, even if you miss that election there are a couple of other steps that would have to take place before you would be placed on the inactive list.

SEN. COLE are there many people coming in for Yellowstone County or would you see a lot of change under this bill? **Mr. Winslow** stated it is tough to actually put numbers to it. One indicator

that we have is, after the 1996 presidential election we placed about 26,000 people on our inactive list and we had almost a 70% turnout. Currently, we have to mail the voter information pamphlets out to those people on the inactive list. We mailed out over 20,000 pamphlets and we got calls from all the post offices wanting us to come and pick up boxes of pamphlets for people who no longer live here. It sounds like all the inactive people are out there and they are wanting to vote, but a large percentage of those people have moved away and are no longer in our counties anyway. That also addresses **SEN. HARGROVE's** question about the Fiscal Impact. We had a major Fiscal Impact when we had to mail out voter information pamphlets to people who no longer live in our county. We did not put a number to the 1998 election, where people could come in and reactivate. It was a fairly significant number, but it was a pretty high turnout election. We are asking this body to give us clarification on which way to go with it.

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 67 - 72}

REP. BITNEY stated, in summary, I want to make a couple of points. There are a significant number of people on the inactive voter registration rolls and it does create a very labor intensive responsibility for the election officials to work out. There are a couple of distinctions and unique differences between federal elections versus local or state elections. The interpretations of the Secretary of State's office on the local issues; about half the counties in the state require thirty days activation or registration for a local election, and the other half allow them up to one day before. Also, the Secretary of State's office mentioned that once you move away you can't vote. The law does allow for a person to vote once in their previous county where they voted before, and subsequently they would need to get registered in their new location. There is a lot of responsibility involved in this important civic duty of voting. In actuality, it's a very simple process. The cards for registration and reactivation take less than sixty seconds to fill out.

In the worst case scenario, the individual has two years in which to register or reactivate before any election. In the case of a federal election, if they are registered, vote in a federal election and miss the next one, they are on the inactive list. However, they can go in the day of the election, reactivate and vote in that election and they are reactivated for subsequent elections. I ask that you would concur the bill as it reads and that it not be amended. I believe it is a good bill and it

implements the National Voter Registration Act and clarifies state statute.

EXECUTIVE ACTION ON HB 502

Motion: **SEN. WILSON** moved that **HB 502 BE CONCURRED IN.**

SEN. WELLS said this seems like a pretty good bill. For **SEN. TESTER's** benefit, when we heard this there were no other proponents and no opponents. There was one informational testimony from **Joe Kerwin** and he seemed to reiterate that this is a good bill.

Vote: **Motion carried 5-0.**

MONTANA SENATE
1999 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL DATE March 4, 1999

NAME	PRESENT	ABSENT	EXCUSED
SEN. JON TESTER	X		
SEN. JACK WELLS	X		
SEN. BILL WILSON	X		
SEN. DON HARGROVE, VICE CHAIRMAN	X		
SEN. MACK COLE, CHAIRMAN	X		

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **State Administration** report that **House Bill 502** (third reading copy -- blue) **be concurred in**.

Signed: *Senator Mack Cole, Chair*

To be carried by Senator Don Hargrove

- END -

Committee Vote:
Yes 5, No 0.

DATE March 4, 1999

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: HB 342, 432, 502, 632

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Duane Winslow	406 256-2742	Yellowstone County Election	HB 632	X	
Sue Haverfield	406-758-5530	Flathead Co C&R	HB 632	X	
Deborah Smith	442-3260	Montana Board of Crime	HB 632		X
Jim Jensen	3-2520	MSSA	HB632		✓
C Schultz	—	MTPIRG	HB632		X
Joe Kerr	4-3376	Sec of St	HB 632		x
Robert Throssell	442023	MT Assn Clerks & Recorders	HB632	X	
Mike Fellows	721-4020	MTCP	HB632	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MACK COLE**, on March 19, 1999 at 10:00 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:
Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)

Members Excused: Sen. Bill Wilson (D)

Members Absent: None.

Staff Present: Keri Burkhardt, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: SR 4, 3/15/1999
Executive Action: SR 4, HB 578, HB 632

HEARING ON SR 4

SEN. HARGROVE took over as chairman.

Sponsor: **SEN. MACK COLE, SD 4, HYSHAM**

Proponents: **Susan Ames, Boards and Commissions Coordinator, Governor's Office**

{Tape : 1; Side : A; Approx. Time Counter : 15 - 20}

The resolution will sit on the desks on the Senate Floor for three days with Ms. Hatcher stricken from the Board.

{Tape : 1; Side : B; Approx. Time Counter : 56 - 69}

EXECUTIVE ACTION ON HB 578

David Niss explained, previously **SEN. TESTER** moved amendment versions HB057801.ash and HB057802.adn and there was no action taken on that. **SEN. HARGROVE** indicated he wanted to talk to **REP. ANDERSON** about it.

SEN. HARGROVE stated, I talked with him and he said he would be pleased to strike the (ii).

Motion/Vote: **SEN. COLE** moved that **AMENDMENT HB057802.ash BE AMENDED** to strike "(ii) materials to be used solely to promote tourism in Montana".

Discussion:

Matthew Cohn, Director, Tourism Montana, was contacted and he indicated that this was livable.

Vote: Motion **carried 4-0.**

Discussion:

Discussion was held to recall what amendment HB057801.adn was about.

SEN. COLE stated, I called two or three of the people who were concerned about it and they have all agreed that was fine.

Vote: Motion **carried 4-0.**

Motion/Vote: **SEN. HARGROVE** moved that **HB 578 BE CONCURRED IN AS AMENDED. Motion carried 4-0.**

EXECUTIVE ACTION ON HB 632

Discussion:

SEN. WELLS said, I talked with the County Clerk and Recorder and pointed out what we were talking about doing here. She said,

please do not go down to a day before an election. She has sixteen rural school districts in her county and she said, "right now I have to jump through the hoops to get all of the proper voters' lists out to those proper districts. If they have a different day and they are holding different elections, I have people running to and fro. No way could I cover the administrative workload if you let people come in and reactivate the day before the election".

SEN. COLE stated, I did some further checking about the same day. They said they understand, but it will kill them.

SEN. WELLS said she recognized for non-federal elections, all these small local elections is where the workload would really occur. She said she did not think she could do it. I think the way the bill is written, particularly on Page 5, Lines 5 and 6, "for non-federal elections reactivation must be accomplished no later than thirty days before...", I feel I would like to make every attempt to give people the opportunity to get to the ballot. The point we made before is that it takes a lot of inactivity to be put on the inactive list. Therefore, if you are not attentive enough to get on it, you're going to miss one of those local elections.

SEN. TESTER stated, I think **SEN. WELLS** said it well. I am going to support this bill because I don't want to put those people in a bind. It is my hope that those people would strive to cut that thirty days to fifteen and eventually down to one, but whether in fact they will do that, I don't know.

David Niss explained there is one other alternative; to let the law stand, with some amount of confusion in it, to let the Clerks and Recorders do what is best for their district needs and just strike Lines 5 and 6 from Page 5.

SEN. COLE said, I would like to see everything the same to cut the confusion down.

SEN. TESTER stated, I think we should pass this and get some people's eyes opened up. If there is a problem we will hear about it, then we will have some support from people who wish to change it.

Motion/Vote: **SEN. WELLS** moved that **HB 632 BE CONCURRED IN. Motion carried 4-0.**

SENATE STANDING COMMITTEE REPORT

March 19, 1999

Mr. President:

We, your committee on **State Administration** report that **House Bill 632** (third reading copy -- blue) **be concurred in.**

Signed: *Senator Mack Cole, Chair*

To be carried by Senator Sue Bartlett

- END -

Committee Vote:
Yes 4, No 0.

MONTANA SENATE
1999 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL DATE 3-19-99

NAME	PRESENT	ABSENT	EXCUSED
SEN. JON TESTER	X		
SEN. JACK WELLS	X		
SEN. BILL WILSON			X
SEN. DON HARGROVE, VICE CHAIRMAN	X		
SEN. MACK COLE, CHAIRMAN	X		

AN ACT REVISING ELECTION LAWS RELATING TO THE IMPLEMENTATION OF THE NATIONAL VOTER REGISTRATION ACT; AMENDING SECTIONS 13-1-101, 13-2-222, 13-2-402, AND 13-27-410, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-101, MCA, is amended to read:

"**13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means a qualified elector whose name is on the active list.

(2) "Active list" means a list of active electors maintained by an election administrator pursuant to 13-2-219.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a completed voter registration card submitted to the election administrator and subject to confirmation, as provided in 13-2-207.

(5) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of ~~chapters~~ chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(6) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residence for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, as long as the organization is not a primary political committee; or

(iv) filing fees paid by the candidate.

(7) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(8) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

(9) "Elector" means an individual qualified and registered to vote under state law.

(10) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (6);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging,

or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, as long as the organization is not a primary political committee.

(11) "Federal election" means a general or primary election in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(12) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(13) "Inactive elector" means ~~a qualified elector~~ an individual ~~who~~ whose name is placed on an inactive list.

(14) "Inactive list" means a list of inactive electors maintained by an election administrator pursuant to 13-2-219.

(15) "Individual" means a human being.

(16) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35, 36, or 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes an "issue" upon approval by the secretary of state of the form of the petition or referral.

(17) "Person" means an individual, corporation, association, firm, partnership, cooperative,

committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (5).

(18) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(19) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

(20) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

(21) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(22) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(23) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(24) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Section 2. Section 13-2-222, MCA, is amended to read:

"**13-2-222. Reactivation of elector.** (1) The name of an elector must be moved by an election administrator from the inactive list to the active list of a county if an elector meets the requirements for

registration provided in this chapter and:

(a) appears in order to vote in a federal election; ~~or~~

(b) notifies the county election administrator in writing of the elector's current residence, which must be in that county; or

(c) completes a reactivation form provided by the county election administrator that provides current address information in that county.

(2) After an elector has complied with ~~either~~ subsection (1)(a) ~~or~~, (1)(b), or (1)(c), the county election administrator shall place the elector's name on the active voting list for that county.

(3) To be effective for a nonfederal election, a reactivation of an elector must be accomplished no later than 30 days before the election."

Section 3. Section 13-2-402, MCA, is amended to read:

"**13-2-402. Reasons for cancellation.** The election administrator shall cancel the registration of an elector:

(1) at the written request of the registered elector;

(2) if a certificate of the death of the elector is filed or if the elector is reported as deceased by the department of public health and human services in the department's reports submitted to the county under 72-16-217;

(3) if the elector is of unsound mind as established by a court;

(4) if the incarceration of the elector in a penal institution for a felony conviction is legally established;

(5) if a certified copy of a court order directing the cancellation is filed with the election administrator;

(6) if the elector is successfully challenged and not allowed to vote at an election upon determination of an election judge;

(7) if a notice is received from another county or state that the elector has registered in that county or state; or

(8) if the elector fails to respond to certain confirmation mailings and fails to vote in two subsequent federal general elections."

Section 4. Section 13-27-410, MCA, is amended to read:

"**13-27-410. Printing and distribution of voter information pamphlet.** (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 110 days before the election at which they will be submitted. The requisition must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to each voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 45 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county who is on the active voter list, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing must take place no later than 2 weeks before the election.

(5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues."

Section 5. Effective date. [This act] is effective on passage and approval.

- END -